



Order Filed on September 19, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT District of New Jersey
Albert Russo CN 4853 Trenton, NJ 08650 (609) 587-6888 Standing Chapter 13 Trustee
In re:  Kenneth McCarthy  Debtor(s)

Case No.: 19-13315 / CMG

Chapter: 13

Hearing Date: September 18, 2019

Judge: Christine M. Gravelle

### CHAPTER 13 STANDING TRUSTEE PRE-CONFIRMATION ORDER OF DISMISSAL

The relief set forth on the following page is **ORDERED**.

**DATED: September 19, 2019**

  
\_\_\_\_\_  
Honorable Christine M. Gravelle  
United States Bankruptcy Judge

The Court having determined that dismissal of this case is appropriate, it is hereby

ORDERED that the debtor's case is dismissed for:

- failure to file a feasible plan, income and/or budget statement
- failure to resolve Trustee and/or creditor objection

and it is further

ORDERED that:

Pursuant to 11 U.S.C. § 349(b), this court for cause retains jurisdiction over any application filed within 14 days of the date of this order by any administrative claimant for funds on hand with the Chapter 13 Standing Trustee.

The Chapter 13 Standing Trustee may pay the balance of the standard attorney fees to the debtor's counsel in the amount of \$2,835.45 from available funds on hand received prior to dismissal.

Any funds held by the Chapter 13 Standing Trustee from payments made on account of the debtor's plan shall be disbursed to the debtor, less any applicable trustee fees and commissions, except any adequate protection payments due under the proposed plan, or by Court order.

Any *Order to Employer to Pay the Chapter 13 Trustee* that has been entered in this case is vacated, and the employer is ordered to cease wage withholding immediately.

All outstanding fees due to the Court are due and owing and must be paid within 7 days of the date of this order.

Certificate of Notice Page 3 of 3  
United States Bankruptcy Court  
District of New Jersey

In re:  
Kenneth McCarthy  
Debtor

Case No. 19-13315-CMG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Sep 20, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 22, 2019.

db Kenneth McCarthy, 80 Cliffedge Way, Red Bank, NJ 07701-5211

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 22, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 20, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor MTGLQ Investors, LP dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Harold N. Kaplan on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust hkaplan@rasnj.com, informationathnk@aol.com  
Kevin Gordon McDonald on behalf of Creditor MTGLQ Investors, LP kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com  
Kevin Gordon McDonald on behalf of Creditor Legacy Mortgage Asset Trust 2019-RPL3 kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com  
Nicholas V. Rogers on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com  
Robert Davidow on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com  
Robert B Davis on behalf of Debtor Kenneth McCarthy Rob@davislawcenterllc.com, teamdlc@davislawcenterllc.com;r62529@notify.bestcase.com  
Robert P. Saltzman on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust c/o Rushmore Loan Management Services dnj@pbslaw.org  
Sherri Jennifer Smith on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com, nj.bkecf@fedphe.com  
Sindi Mncina on behalf of Creditor Wilmington Savings Fund Society, FSB smncina@rascrane.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 12